

OSWER 9365.0-30

MEMORANDUM

SUBJECT: Reuse Considerations During CERCLA Response Actions

FROM: Michael B. Cook, Director
Office of Emergency and Remedial Response

TO: Superfund National Program Managers Regions 1-10
OERR Center Directors and Process Managers

Purpose:

With this memorandum I want to emphasize again to managers, both at Headquarters and in the Regions, the importance of early and continuing consideration of anticipated future use during Superfund remedial and removal site activities. Assistant Administrator Marianne Lamont Horinko places a high priority on making land revitalization an integral part of our cleanup programs. What we have learned over the past few years is that we can select and implement remedies that are protective, while also accommodating appropriate reuse of the land once the remedy is complete. In our daily operations both at Headquarters and in the Regions, we should reflect this awareness that cleanup and reuse are mutually supporting goals and we must make positioning a site for reuse a normal part of the way we do business.

Background:

Superfund policies over the past decade have increasingly addressed land reuse issues. The "Land Use Directive in the CERCLA Remedy Selection Process" (OSWER Directive No. 9355.7-04, May 1995) explains how to consider land use when making remedy selection decisions. In July 1999, EPA launched its Superfund Redevelopment Initiative, a coordinated national effort to develop policies, procedures and practices to integrate reuse into the Superfund assessment and cleanup process. On June 4, 2001, The Agency issued a Directive (OSWER 9355.7-06P) to give Regional managers a tool for making reuse assessments to implement the Land Use Directive. Other Agency guidance and policy has also incorporated reuse-oriented elements (e.g. EPA's policy for conducting partial deletions at NPL sites). To help Superfund explore practical implementation of these ideas, EPA has announced the selection of pilot sites where communities receive financing and services that help them assess future uses of Superfund sites; this reuse planning is helping us to shape remedies.

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Implementation:

As Superfund's land revitalization initiatives have matured, we in OERR are at a stage at which we can expect reuse considerations to be fully integrated into operations. This full integration means consideration of reuse throughout the response cycle, from investigation and listing through close-out and deletion and long-term stewardship. Over the next several months, I have asked John Harris, the National Program Coordinator for Superfund Redevelopment, to work with staff in all aspects of cleanup to ensure that we all gain a more detailed understanding of how this reuse consideration should work. OERR is preparing a Directive, to be circulated in draft for comment in the coming weeks, that will present in considerable detail procedures for achieving our goals in this area. If you have questions or concerns about how integration of reuse affects your activities, please contact John at (703) 603-9075.

We will also develop and incorporate into our program new measures of our effectiveness in reaching Superfund's revitalization goals. Earlier this month Regions were asked to participate in developing these performance measures that will help us establish performance baselines and assess our progress.

Finally, as we meet the challenge of integrating land use expectations into site cleanup decisions, and as we learn how to effectively measure our success, we will look for opportunities to offer our experience to other federal and State remediation programs through the Agency's One Cleanup Program initiative.

Action:

I urge you to give your full attention to the consideration of reuse at sites and to the forthcoming Directive on Reuse Considerations During CERCLA Response Actions. Please make sure that your staffs are fully aware of the priority of the Agency's revitalization agenda that underlies this effort. I also invite your support in developing the new GPRA measures announced in my memorandum of September 6, 2002.